UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.484
27 November 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

SUMMARY RECORD OF THE 484th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 24 September 1998, at 3 p.m.

Chairperson: Miss MASON

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GE.98-18394 (E)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Iraq (continued) (CRC/C/41/Add.3; CRC/C/Q/IRAQ/1 (list of issues); written replies of the Government of Iraq to the questions raised in the list of issues (document without a symbol distributed in the meeting room))

1. At the invitation of the Chairperson, the members of the delegation of Iraq resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee who so wished to ask the delegation of Iraq additional questions.

3. Mrs. MBOI said that she would like to receive fuller information on the situation of children in alternative care. The number of children placed in State-run hostels had decreased and she wished to know what difficulties were involved in returning to the family, a child previously cared for by the State. Noting that the Iraqi Government had established a plan of action in that regard, she asked whether the implementation of the plan had been evaluated, and what the prospects for the future were. What measures had the Government taken to ensure that the law prohibiting family violence was respected? She would also like to have more information on the measures taken to monitor the health of children and adolescents, in the light, inter alia, of the war and the influence of the media. Had surveys been conducted? Was it true that an epidemic of measles was currently ravaging the country and, if so, were there enough vaccines? If not, what was the State doing to remedy the situation? On the issue of malnutrition, the increase in the number of children suffering from nutritional deficiencies was of great concern; had the State established a comprehensive nutrition strategy aimed at providing aid to the most seriously affected children?

4. Mrs. OUEDRAOGO said that she would like information on the problems Iraq might have encountered in implementing the Abortion Act and the Compulsory Education Act. In the case of teenage pregnancies, what was the State doing to help adolescent mothers and children born out of wedlock? Was there not a risk of marginalization? She noted that the law on nationality discriminated against women, since the child automatically took the nationality of the father. What happened when an Iraqi woman married a foreigner and could the children of foreign parents obtain Iraqi nationality? Furthermore, when a father refused to recognize his child, did that affect the child's rights?

5. Mr. YOUSIF (Iraq), replying to the question about mines and the protection of children, said that Iraq had made considerable efforts in that regard and had, for example, spent US$ 1 million on mine clearance operations, both in the south and in the north of the country. Amputation was no longer inflicted as a punishment. Iraq had fulfilled all its obligations with regard to the preparation of reports to be submitted in accordance with the human rights instruments to which it was a party.

6. On the question of care by the State for children and adolescents deprived of their family environment, the State provided for all their needs free of charge (food, clothing, housing and money). Social Care Act No. 126 of 1980 provided for the placement in an institution or orphanage of children, including some young people over 18 years of age, who, for various reasons, were no longer under parental care. Such children received their schooling in ordinary schools at the appropriate academic level and received help with social reintegration. Any discrimination against them was prohibited and could be prosecuted. Orphanages had a social service which ensured the follow-up of children, looked into the possibility of placing them with a foster family and helped them to look for work or continue with higher education. It was, however, regrettable that the lack of available resources, made it impossible to care for as many children as previously.

7. With regard to violence towards children, the law prohibited the use of violence against pupils. As to violence within the family, it should be noted that cultural differences accounted for the fact that certain educational methods specific to Iraq might appear violent, but, in any case, children were protected against violence in general. The Minors Act authorized children to bring a legal case against their parents or guardians, as applicable. If the sentence confirmed the guilt of the parents or guardians, the child could be removed from their care. In addition, the General Federation of Iraqi Women offered a family consultation service which attempted to solve all problems relating to the family. Respect for the best interests of the child was guaranteed by the Welfare of Minors Act and the Juvenile Welfare Act and the Ministry of Justice had a department responsible for overseeing and managing property belonging to minors on the death of their father.

8. Mr. ABDULRIDHA (Iraq), referring to the nutritional status of the Iraqi population, said that the implementation of the embargo had prevented the Government from combating malnutrition. Daily per capita intake, which had been 3,581 calories and 101.6 grammes of protein in 1988, had dropped to 1,030 calories and 24 grammes of protein in 1997. Studies carried out by UNICEF and WHO showed that children were suffering terribly from the situation caused by the embargo. Children under five years of age showed a rate of emaciation (inadequate weight for their height) of 22.06 per cent and a rate of retarded growth (height inadequate for their age) of 43.89 per cent. The infant mortality rate had risen to 111.7 per 1,000 in 1994 as against only 61.7 in 1990. The rate of mortality among under fives had been 140 per 1,000 in 1994. A comparison of infant mortality rates and under-fives mortality rates during the period before the war (1988-1989) with those for the period during which sanctions had been imposed (since 1990) showed that the infant mortality rate had doubled and the mortality rate among children under five years of age had increased sixfold. Such increases could be attributed mainly to the malnutrition of mothers and children (iodine deficiency, vitamin deficiency, anaemia in mothers and pregnant women) and to the prevalence of infectious diseases (diarrhoea, intestinal infections and acute respiratory ailments, inter alia).

9. Iraq had launched a national campaign in 1985 to implement the Expanded Programme on Immunization and control infectious diseases. Iraq had also joined the ranks of the most advanced countries in terms of its results in the fight against poliomyelitis. Unfortunately, the war and the embargo had led

to a sharp deterioration in the quality of health and sanitation services and social security benefits. Nonetheless, Iraq was making efforts to improve the health situation in the country, with the cooperation of WHO and UNICEF. He also noted that there were psychological problems (anxiety, depression, sleep disturbances) which affected between 60 and 80 per cent of women and children.

10. Mr. HUSSAIN (Iraq) said that, owing to the economic situation resulting from the continuation of the embargo, many children between 12 and 16 years of age had been forced to leave school to help their families. The school drop-out rate had increased from 1.9 per cent in the 1990-1991 school year to 3.4 per cent in 1994-1995 at the primary level, from 5.1 per cent to 7.6 per cent at the intermediate level and from 1.5 per cent to 1.8 per cent at the preparatory level. The problem of street children had arisen as a result of the economic consequences of the embargo. Needy families had been forced to put their children to work, although, under the Juvenile Welfare Act, any child under 15 years of age found begging in a public place or engaging in an itinerant activity was considered to be a vagrant. It was not rare for fathers to be penalized when their children carried out activities incompatible with their physical strength.

11. The marriage procedure in Iraq was regulated by the Personal Status Act, according to article 7 of which both spouses must be of sound mind and over 18 years of age for a marriage to be valid. Article 8 of the Act stipulated that, when a person aged over 15 years wished to marry, a judge could authorize the union if he was satisfied that the person requesting it was legally and physically ready for marriage and if the legal guardian had given consent. On the other hand, a young girl could not be pressured to marry through force or violence. The registration of births in rural areas no longer gave rise to a problem, particularly since 1990, because families had to present identity cards for their members in order to receive food tickets.

12. Mr. ABDULRIDHA (Iraq) said that, in the southern provinces of Iraq, particularly in the marsh areas, births had not always been registered, and that had meant that not all children had benefited from the necessary care. At present, midwives had a form which enabled the father to notify the birth of the child to the nearest primary health-care centre, which then undertook to provide a birth certificate.

13. Mr. YOUSIF (Iraq) said that article 4 of the Nationality Act gave citizenship to any person born in Iraq or abroad of an Iraqi father, born in Iraq of an Iraqi mother and an unknown or stateless father, or born in Iraq of unknown parents. Consequently, Iraqi nationality depended on the nationality of the father.

14. Mrs. SARDENBERG thanked the Iraqi delegation for its detailed explanations and took note of the many positive points touched on. She encouraged the Government of Iraq to become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She appreciated the delegation's frankness about the fact that, on account of traditions, it was difficult for children to bring complaints about possible ill-treatment to which they had been subjected by their parents or guardians and stressed that long-term efforts had to be made to raise awareness. It

would be good to promote the integration of children with disabilities into the ordinary educational system. While recognizing that Iraq was in a complex and difficult situation, she thought that the authorities ought to give priority attention to the most serious problems, such as infant mortality and the poor nutritional status of children. Were the rights of the child taught in schools and were specific measures taken in respect of the many refugee children? Emphasizing article 12 of the Convention, which was at the very heart of the Convention's message, she said that the school environment was a particularly favourable framework for developing the participation of children and their ability to express themselves freely.

15. The Iraqi authorities were already taking major steps to guarantee protection against anti-personnel mines, but, given the extent of the problem, it was to be hoped that they would intensify their efforts, particularly in terms of educating children and parents and rehabilitating victims. She recommended that, if it had not already done so, Iraq should become a State party to the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and their Destruction, adopted in 1997. The authorities should also intensify their efforts to solve the problem of street children, who were particularly exposed to all kinds of violations of their rights.

16. Mrs. KARP said that she wished to have precise explanations about the gap between the age of the end of compulsory education and the authorized age for admission to employment. She would also like more information on the application of article 12 of the Convention, since it was important to ensure that the opinions of the child were duly taken into consideration in all circumstances, whether in the educational, family or medical fields. The information provided thus far had not reflected the basic idea that children had the right to their own personality and should be able to make their point of view heard. With regard to equality between boys and girls, the authorities needed to work harder to prevent girls from dropping out of school particularly by increasing awareness among families. Were disabled children able to attend ordinary schools? What was the proportion of disabled children in institutions? Had investigations and research been carried out on cases of suicide among children and adolescents and on the number of accidents they were involved in? Who conducted proceedings concerning children in conflict with the law in areas where there were no juvenile judges? In what establishments were juvenile delinquents who lived far from urban centres placed? Could a child be represented by an officially appointed defence lawyer? Did the police and the judicial authorities use international texts relating to juvenile justice, such as the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)? Even if prostitution was an offence, why did young prostitutes have to serve a sentence before benefiting from rehabilitation and reintegration schemes? Surely they were more innocent victims than guilty parties?

17. Mrs. MBOI asked exactly what the new resources provided by the World Food Programme were being used for. Had the authorities drawn up a strategy or a distribution plan for getting the aid to the neediest children? Had measures been taken to ensure that the new resources reached the children who had the greatest need of them?

18. Mr. RABAH requested more information about street children, how many there were, their health situation, where they were found and how they were treated. What guarantees did juvenile delinquents benefit from during the preliminary inquiry and interrogations, which were the stages of legal proceedings most frequently associated with the risk of torture and ill-treatment? Were third parties present during interrogations? Were court hearings public? It was regrettable that an amnesty law had been applied to juvenile delinquents because, if they were amnestied, they could not benefit from the services of re-education centres. What fate awaited juvenile delinquents? What were their prospects for the future when they left an institution? Were there any programmes to prevent petty crime, bearing in mind that prevention cost less than the re-education of delinquents and marginal elements? Did the Ministry of Justice provide training on children's rights to social workers and members of the police forces? He also requested more information on the number of delinquents, the nature of the crimes committed, and the ethnic background of delinquents.

19. Mrs. PALME said that, despite the activities already carried out by the Iraqi Government, particularly in collaboration with UNICEF, much still remained to be done to prevent accidents caused by anti-personnel mines, given that there were still 4 million mines in Iraqi soil and to rehabilitate the victims. Had Iraq drawn up a plan of action following its participation in the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, and how were child victims of sexual abuse and prostitution viewed?

20. Mrs. OUEDRAOGO said that she was concerned about the number of children dropping out of school to help their parents and asked whether the National Plan for Children provided for measures to help such children benefit fully from their rights to education. The delegation had indicated that emphasis was placed on the education of children aged 7 to 10; however, education was compulsory in Iraq until 12 years of age. How were children from minority groups integrated; could they attend Iraqi schools if they wanted to? Did schools help in preventing and treating the psychological problems which many Iraqi children suffered from? Were there any traditional practices which affected the health of children and, if so, what measures were taken to eliminate them?

21. Mrs. MOKHUANE asked whether a certain proportion of children in Iraq continued to have a normal attitude despite their difficult situation and whether studies had been carried out on that issue. It might be possible on the basis of such research to formulate methods for helping traumatized children and those with psychological difficulties. Was there a minimum wage for children who worked?

22. Mr. YOUSIF (Iraq) said that the Social Welfare Act governed the rights of the disabled, who were categorized as physically or mentally handicapped and according to whether or not they were capable of working. It gave any disabled person the right to benefit from State-financed rehabilitation. There were also six categories of centres, depending on the type of disability. His delegation could provide the Committee with various tables and statistics on the number of disabled persons, the institutions in which they were housed and a breakdown of the statistics by gender. A diagnostic

centre decided which training establishment a disabled child should be sent to, but, unfortunately, its activities were suffering from the lack of resources. The idea of placing disabled children in ordinary schools was not generally accepted by teachers, who feared that the disabled child would feel ill at ease in comparison with other children. Despite the difficult economic circumstances, the authorities hoped to be able to open new training and rehabilitation centres.

23. It had been recommended that the Iraqi Government should establish priorities in its aid to children; the National Plan for Children showed that priority attention was already being given to the problems of mortality and nutrition and, above all, to the protection of the right to life and survival. As to the possibility of accession to the Convention on the Prohibition of Anti-Personnel Mines, he did not know exactly what his Government's position was, but thought that the requisite measures would be taken at the earliest opportunity. Replying to the questions on juvenile justice, he pointed out that the 1983 Juvenile Welfare Act covered all issues from the early diagnosis of delinquency to the reintegration of juvenile delinquents and that there was a social and psychological consultation service in each governorate. The relevant procedure during interrogations was in conformity with the provisions of the Convention. At the sentencing stage, the juvenile court decided, according to circumstances, either to imprison the delinquent or to place him in a rehabilitation centre. The Iraqi delegation could provide the Committee with tables and statistics on the various types of crimes committed by minors and the sentences handed down by the juvenile courts.

24. Mr. ABDULRIDHA (Iraq) said that, in order to help improve the health and nutritional status of children in Iraq, families received food aid in the form of rations of sugar, rice, tea, flour and oil, as well as milk for families with children under one year old. Such aid covered the basic needs of children and families, but it was unfortunately not always possible to guarantee an adequate intake of calories and proteins on a daily basis. In order to deal with the situation of children suffering from serious nutritional deficiencies, the Iraqi Government had, with the help of the World Food Programme and UNICEF, set up child nutrition centres throughout the national territory where specialists and volunteers cared for children suffering from malnutrition. There were also nutrition centres in child clinics and in general hospitals in the main towns. Sick children were cared for until their health improved and nutritional follow-up was also ensured once the children were better. Nevertheless, the necessary financial resources to stock the nutritional rehabilitation centres were not always available in sufficient quantities.

25. As to psychological help, the Ministry of Education and other ministries offered psychological services, social welfare assistants and consultants to help children traumatized by the war. Iraqi schools were open to all children, including those from minorities, whether Arabs, Turks, Turkmens or Assyrians, and education was compulsory for all until the end of primary school. Minority groups also had their own schools where children could be educated according to their parents' wishes, including the religious instruction of their choice.

26. The CHAIRPERSON, thanking the Iraqi delegation for its replies to the questions asked by the members of the Committee, said she hoped that further information would subsequently be provided on the points that had not yet been fully covered. She invited the members of the Committee to make their preliminary comments on the consideration of the initial report of Iraq.

27. Mr. KOLOSOV said that the disastrous consequences of the embargo on the situation of Iraqi children were particularly regrettable since the children themselves were not responsible for the political decisions taken by the country's leaders. It was therefore to be hoped that the international community would do everything possible to ensure the lifting of those provisions relating to the embargo which were affecting the humanitarian situation in Iraq.

28. Among the positive points, there was a wide-scale youth movement in the country which could play an important role in increasing young peoples' awareness of the rights provided for in the Convention. He noted with interest that the legislation on juvenile justice provided not for punishments, but for support and rehabilitation measures for juvenile delinquents. He also noted with satisfaction that education was compulsory and free and that medical examinations were regularly carried out in schools.

29. Among matters for concern, he regretted that children in Iraq were not fully able to participate in the promotion of their own rights as full citizens. Moreover, much remained to be done to eliminate the disparities between urban and rural populations and between the northern and southern provinces of the country. It was also regrettable that the Iraqi authorities did not have reliable statistics on the number of street children and working children, who were not continuing their education. It would be useful for military personnel to receive training in international humanitarian law, particularly in respect of children. Awareness-raising measures to that end could be taken in 1999, on the fiftieth anniversary of the adoption of the 1949 Geneva Convention. In conclusion, he hoped that, when it submitted its next periodic report, the Government of Iraq would be able to report on the progress achieved in eliminating all the harmful effects of the embargo during the difficult years the country had been through.

30. Mrs. MOKHUANE said that she shared the opinions expressed by Mr. Kolosov. She too considered that every effort should be made to lift the embargo so that, in future, Iraqi children could lead a normal life. She welcomed the dialogue with the Iraqi delegation and assured it that she fully shared the concerns it had expressed to the Committee about the situation of children in Iraq.

31. Mrs. SARDENBERG also thanked the Iraqi delegation. She understood the difficulties and obstacles encountered in the country with regard to the situation of children and stressed that the Committee's task was to help States parties find solutions through dialogue.

32. Mrs. KARP said it was important that the Convention should be widely known to the population of Iraq because the new perception of the child formulated in it could lead to a complete change of attitude to the greater

benefit of children. She hoped that the Iraqi authorities would examine the Committee's recommendations in detail and apply them to the fullest possible extent.

33. Mrs. OUEDRAOGO said that she shared the opinions expressed by the members of the Committee and also hoped that the embargo would be rapidly lifted so that Iraqi children could finally live a normal life. She emphasized, however, that, even if conditions were difficult, the State had a basic responsibility for the welfare of children. She suggested that the many provisions in Iraqi legislation concerning the protection and development of the child should be grouped together in a single document which could become the Children's Code.

34. Mrs. PALME said that she supported Mrs. Ouedraogo's suggestion and also shared the opinions expressed by the other members of the Committee. She emphasized the need to do the utmost to prevent the suffering of the civilion population during conflicts such as those Iraq had been through.

35. The CHAIRPERSON announced that the Committee would transmit its final observations, adopted following its consideration of the initial report of Iraq, to the Iraqi authorities. She sincerely hoped that, when the next report of Iraq was submitted, the situation of the rights of children in the country would have noticeably improved.

36. Mr. YOUSIF (Iraq) thanked the Committee for the constructive dialogue which it had established with the Iraqi delegation. He reiterated the invitation extended by the Government of Iraq to the members of the Committee to visit the country in order to assess the situation of Iraqi children on the spot and at first hand. His delegation had duly taken note of the observations and suggestions made by members of the Committee and would transmit them to the competent authorities in the hope that they would draw attention to the need fully to apply the Convention in order to help the children who lived in such difficult conditions in Iraq. He also sincerely hoped that, when Iraq submitted its next report to the Committee, the embargo would have been lifted and that the delegation would be able to report a considerable improvement in the situation of children in the country.

37. The CHAIRPERSON thanked the Iraqi delegation for its participation in the work of the Committee. She announced that the Committee had completed its consideration of the initial report of Iraq.

The meeting rose at 6.05 p.m.